

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Note: Instructions to DNRC staff for preparing this EA can be found at:
http://www.dnrc.state.mt.us/eis_ea.html

Part I. Proposed Action Description

1. *Applicant/Contact name and address:* James Love
PO Box 5155
Swan Lake, MT 59911
2. *Type of action:* Provisional Permit to Appropriate Water 76LJ-30024858
3. *Water source name:* Bond Creek
4. *Location affected by action:* SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 25N, Range 18W, Lake Co.
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311, MCA are met. The applicant is seeking a water use permit for the purpose of a fishery at the above affected location. The pond will be off stream and .1 surface acre in size. It will be 12 feet deep and will have an overall storage capacity of .6 acre-feet. The inlet will consist of an 8-inch CMP with a metal slide gate. A small diameter pipe will be placed in a ditch to convey water in to and out of the pond. Pond developments are a method of increasing property value, as well as the recreational benefit they provide.
6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction)

Montana Natural Heritage Program
Montana Historical Society
Montana Department of Fish, Wildlife & Parks

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: Bond Creek is not listed as chronically or periodically dewatered.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: Bond Creek is not listed on the Montana 303 (d) list.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: The project is for the use of surface water only. There will be no impact to groundwater.

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: The diversion works will require approval from other permitting agencies. A Lake County Conservation District Permit has been obtained and precautions will be taken to preserve existing riparian vegetation, stream banks will be protected with temporary erosion control measures during construction activities. The inlet will consist of an 8-inch CMP with a metal slide gate and a small diameter pipeline placed in a ditch to convey water to the pond. The site shall be protected with long term erosion control measures and revegetated immediately after construction.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

Determination: Through contact with Fish, Wildlife & Parks regarding this diversion from Bond Creek it was found that both Bull Trout and West Slope Cutthroat Trout are in the Swan Lake. Both species, consisting of adults and juveniles can be found seasonally. Fish, Wildlife & Parks will oversee mitigation techniques to reduce impacts from this project through a 310-permit application with the Lake Conservation District.

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: Disturbance of a wetland requires a 404 permit from the Army Corps of Engineers. It is not applicable for this pond site since it is not a wetland.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: No existing ponds are involved with this development. The new proposed pond will most likely result in a positive impact to waterfowl and is being designed to sustain a population of west slope cutthroat trout.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: Saline seep isn't a problem in this area and soil quality will not be compromised.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: It is the responsibility of the property owner to control noxious weeds on their property.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: No impact is anticipated.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

Determination: The project is on private property and no previous cultural resource inventories cover the project location. It is recommended that a cultural resource inventory be conducted in order to determine whether or not such sites exist and if they will be impacted by this development. The decision to carry out a cultural resource inventory would be at the discretion of the landowner since it is private property.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: None

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: The project is to build a privately owned fishpond. The water use permit provides for the use of water from Bond Creek. A detailed analysis involving physical water

availability, legal water availability, legal water rights and adverse affect to prior water users is completed by this agency. The Department of Fish, Wildlife & Parks oversees the fish stocking license as well as assisting the Lake County Conservation District with 310 permit provisions. If all permits are issued, and conditions followed, the project will be consistent with environmental plans and goals.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: There will be no impact to the quality of recreation or wilderness activities, nor will access be denied to any established recreation areas except by Forest Service road closures that occur throughout public domain in Flathead County.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: No impact is anticipated.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes___ No_X_. *If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

Determination: No impact.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

- (a) Cultural uniqueness and diversity? No
- (b) Local and state tax base and tax revenues? No
- (c) Existing land uses? No
- (d) Quantity and distribution of employment? No
- (e) Distribution and density of population and housing? No
- (f) Demands for government services? No
- (g) Industrial and commercial activity? No
- (h) Utilities? No
- (i) Transportation? No
- (j) Safety? No

(k) Other appropriate social and economic circumstances? No

2. ***Secondary and cumulative impacts on the physical environment and human population:*** The total maximum daily load of pollution that a water body can handle is referred to as "TMDL Plans". As appropriations of water continue the dilution factor will weaken the current TMDL capability of Bond Creek.
3. ***Describe any mitigation/stipulation measures:*** The 310 permit provides mitigation measures.
4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** No action would mean the pond would not be permitted. No reasonable alternatives to exist.

PART III. Conclusion

Based on the significance criteria evaluated in this EA, is an EIS required? No

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant impacts have been identified; therefore, no EIS is necessary.

Name of person(s) responsible for preparation of EA:

Name: Rich Russell

Title: Water Resources Specialist

Date: November 30, 2006